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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,005	08/06/2001	Jucrgen Bruegl	951/49937	6897

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EXAMINER
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CALEY, MICHAEL H

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/922,005	BRUEGL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael H. Caley	2871	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krattiger et al. (U.S. Patent No. 6,500,115 "Krattiger") in view of Tojo (U.S. Patent No. 4,753,224)

Regarding claim 1, Krattiger discloses a display arrangement for providing optical information in an observer's field of view having:

a picture source (Figure 1 element 38);

a picture transmission device (Figure 1 element 30); and

an eyepiece (Figure 1 element 26); wherein

the picture transmission device includes a fiber optics section (Column 7 lines 45-52);

the fiber optics section is at least partially encased in and fixed in a spatial configuration (Figure 1 element 30; Column 7 lines 35-40); and

the display arrangement further comprises a setting means (Figure 1 elements 41, 42, and 34) arranged between the picture source and the picture transmission device, for

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rotating within said eyepiece an image from said picture source, and for securing the picture transmission device in its momentary position after a torsion movement in the fiber optics section (Column 7 line 53 – Column 8 line 25).

Krattiger discloses all of the proposed limitations except for the encasing material of the fiber optics section as bendable and as remaining in a shape assumed by a bending. Krattiger, however, discloses the endoscope as applicable to solve problems in fields in which endoscopes are used such as for the study of combustion processes in inspecting turbines and reactors as well as for medical applications involving minimally invasive surgery (Column 1 lines 22-35). Although Krattiger does not explicitly delve into details of the encasing material of the fiber optics section, the Examiner notes that it would have been necessary that such a section be bendable and remain in a shape assumed by the bending in order to be useful in such applications. For instance, some type of directional manipulation of the fiber optics section is necessary to navigate the pathway between the observer's eye and the positioned to be viewed since such pathways would rarely be a straight line.

Tojo teaches such a encasing of a material which is bendable and which remains in a shape assumed by a bending (Column 3 lines 34-37). Tojo discloses the endoscope as particularly useful for inspection of weld joints in piping and in jet engine combustion chambers (Column 1 lines 6-10) as is analogous to the application disclosed by Krattiger. Tojo teaches the particular flexible sheathing material as advantageous for navigating elements such as pipe cavities or other relatively inaccessible locations (Column 2 lines 28-37). One would have been motivated to use such a material for the sheath disclosed by Krattiger in order to benefit from an

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endoscope capable of reaching such inaccessible locations as proposed by Tojo. A material which is bendable and which remains in a shape assumed by a bending would have been necessary for an application in which inaccessible parts of jets engines or piping were to be examined.

The Examiner further notes that D'Amelio et al. (U.S. Patent No. 4,699,463) also discloses such a material as proposed for encasing the fiber optic section (Column 4 lines 11-20) for an endoscope used in medical applications.

Regarding claims 3 and 4, Krattiger discloses the eyepiece as having optical elements and a setting mechanism for setting the optical elements (Column 7 lines 30-34).

Regarding claims 5-7, Krattiger discloses the picture transmission device as mechanically and optically coupling the picture source and the eyepiece (Figure 1 element 30). The material taught by Tojo is plastically deformable (Column 3 lines 34-37).

Regarding claim 8, Krattiger discloses adjusting means as provided for rotating orientation of a picture within the eyepiece to a desired orientation, the adjusting means comprising a setting means (Figure 1 elements 41, 42, and 34) arranged between the picture source and the picture transmission device, whereby the picture transmission device can be secured in its momentary position after a torsion movement in the fiber optics section.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael H. Caley whose telephone number is (703) 305-7913. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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mhc

*ANTON*  
PRIMARY EXAMINEE